

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**JOHN H. RAMIREZ,
Petitioner,**

V.

**RICK THALER, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,
Respondent.**

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Civil No. MC-C-12-502

APPENDIX I

**GROSS & ESPARZA, P.L.L.C.
MICHAEL C. GROSS
State Bar No. 08534480
106 South St. Mary's Street, Suite 260
San Antonio, Texas 78205
(210) 354-1919
(210) 354-1920 Fax**

**Attorney for the Petitioner,
JOHN H. RAMIREZ**

EXHIBIT A

NO. 04-CR-3453-C

THE STATE OF TEXAS

VS.

JOHN HENRY RAMIREZ

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§IN THE 94TH

DISTRICT COURT

NUECES COUNTY, TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT BY JURY**b. Synopsis of The Judgment**

Judge Presiding:	Date Of Judgment:
Bobby Galvan	December 8, 2008
Attorney For State:	Attorney For Defendant:
Mark Skurka	Ed Garza
Vernon Schimmel	Grant Jones
Offense Convicted Of: Count I: Capital Murder	Date Of Offense: July 19, 2004

Degree: Capital

Charging Instrument: Indictment

Plea: Not Guilty

Jury Verdict: Guilty

Foreman: Jeremy Calbot

FINDINGS ON USE OF A DEADLY WEAPON: Not Applicable

Punishment Assessed By: Jury

Date Sentence Imposed: December 8, 2008

Cost: \$ 1952.79

Punishment And Place Of Confinement.

DEATH SENTENCE

Term Of Confinement: Death Sentence

Fine: \$

Place Of Confinement: Institutional Division of The Texas Department of Criminal Justice

Date To Commence: December 8, 2008

Time Credited:

29.3 Days

Total Amount of Restitution/Reparation:

\$

2/20/08 - 12/8/08

SCANNED

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THE STATE OF TEXAS v. JOHN HENRY RAMIREZ
Judgment - 04-CR-3453-C

b. Text of Judgment

This case was called for trial on October 22, 2008. The parties appeared and announced ready for trial. The following attorneys appeared for the State: Mark Skurka and Vernon Schimmel. The following attorneys appeared for the defendant: Ed Garza and Grant Jones.

A jury of twelve was selected and sworn. Two alternate jurors were also selected. The indictment was read in the presence of the jury. The defendant entered a plea of not guilty to the offense charged. Evidence was submitted to the jury on the issue of guilt. The jury received the court's charge, heard the arguments of counsel, and retired to determine its verdict.

On December 5, 2008, the jury returned the following verdict:

"We, the Jury, find the Defendant, JOHN HENRY RAMIREZ, JR., guilty of the offense of CAPITAL MURDER, as alleged in the indictment.

/S/ JEREMY CALBOT
PRESIDING JUROR"

Defendant elected to have the jury assess punishment. Evidence was submitted on the issue of punishment. The jury received the court's charge on the issue of punishment, heard the arguments of counsel, and retired to determine its verdict.

On December 8, 2008, the jury returned the following verdict on punishment:

Special Issue No. 1

"Is there a probability that the defendant, JOHN HENRY RAMIREZ, JR. would commit criminal acts of violence that would constitute a continuing threat to society?

Answer: We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue is "YES."

/S/ JEREMY CALBOT
Presiding Juror"

Special Issue No. 2

"Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

Answer: We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue is "NO."

/S/ JEREMY CALBOT
Presiding Juror"

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THE STATE OF TEXAS v. JOHN HENRY RAMIREZ
Judgment - 04-CR-3453-C

It is ordered, adjudged, and decreed by the Court in accordance with the jury's verdict, that the defendant, JOHN HENRY RAMIREZ is guilty of the offense of CAPITAL MURDER; that the defendant be punished by the DEATH PENALTY, for which let execution issue.

The Court further finds beyond a reasonable doubt that the offense was committed on July 19, 2004.

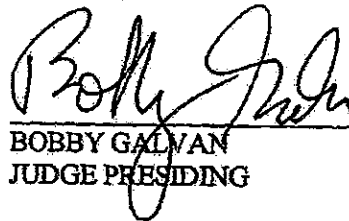
It being the judgment of this Court that the defendant, JOHN HENRY RAMIREZ, is guilty of the offense of Count 1 Capital Murder, and that defendant's punishment be the DEATH PENALTY. It is the order of this Court that the punishment be carried out and the defendant executed in the manner prescribed by law. The sentence is suspended until the decision of the Court of Criminal Appeals has been received by this Court. The Sheriff of Nueces County, or an authorized agent of the State of Texas, is hereby ordered to deliver defendant to the Institutional Division of the Texas Department of Criminal Justice to await the action of the Court of Criminal Appeals and further Orders of this Court. The Defendant is remanded to the Nueces County Jail to await transfer to the penitentiary.

Sentence was pronounced on December 8, 2008.

Sentence shall commence on December 8, 2008.

It is further ordered that the defendant is given 293 DAYS CREDIT on defendant's sentence for time spent in jail in this case between the date of defendant's arrest and the date of sentencing.

SIGNED AND ORDERED ENTERED this 8th day of December, 2008.


BOBBY GALVAN
JUDGE PRESIDING

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EXHIBIT B

JOHN HENRY RAMIREZ, JR.

FBI NO. 59358EC7

DPS NO. TX07281697

D.O.B. 6-29-84

DATE OF ARREST:

ARRESTING AGENCY

BOND: 1,000,000⁰⁰ BY: 

NO. 04-CR-345.3-#C

THE STATE OF TEXAS VS. JOHN HENRY RAMIREZ, JR.

CHARGE: COUNT 1 CAPITAL MURDER
COUNTS 2 & 3 AGGRAVATED ROBBERY
COUNT 4 EVADING ARREST
STATUTE: COUNT 1 TEXAS PENAL CODE SECTION 19.03
COUNTS 2 & 3 TEXAS PENAL CODE SECTION 29.03
COUNT 4 TEXAS PENAL CODE SECTION 38.04
DEGREE: COUNT 1 CAPITAL
COUNTS 2 & 3 FIRST DEGREE
COUNT 4 STATE JAIL FELONY
COURT: _____

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

The duly organized Grand Jury of Nueces County, Texas,
presents in the District Court of Nueces County, Texas, that

COUNT 1

JOHN HENRY RAMIREZ, JR., defendant,
on or about JULY 19, 2004, in Nueces County, Texas, did then and
there intentionally cause the death of an individual, PABLO
CASTRO, by STABBING PABLO CASTRO WITH A KNIFE while in the course
of committing or attempting to commit the offense of ROBBERY of
PABLO CASTRO,

And the Grand Jury further presents on the issue of
punishment that the defendant during the commission of the
offense use and exhibited the knife and that the knife was a

deadly weapon because in the manner of its use and intended use it was capable of causing death and serious bodily injury

COUNT 2

JOHN HENRY RAMIREZ, JR., defendant,
on or about JULY 19, 2004, in Nueces County, Texas, did then and there while in the course of committing theft of property and with the intent to obtain and maintain control over the property intentionally and knowingly threaten APRIL METTING with and place APRIL METTING in fear of imminent bodily injury and death by using and exhibiting a deadly weapon, namely a knife, which in the manner of its use and intended use was capable of causing death and serious bodily injury,

COUNT 3

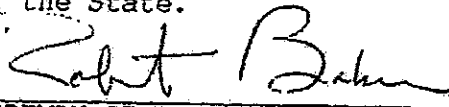
JOHN HENRY RAMIREZ, JR., defendant,
on or about JULY 19, 2004, in Nueces County, Texas, did then and there while in the course of committing theft of property and with the intent to obtain and maintain control over the property intentionally and knowingly threaten RUBY PENA with and place RUBY PENA in fear of imminent bodily injury and death by using and exhibiting a deadly weapon, namely a knife, which in the manner of its use and intended use was capable of causing death and serious bodily injury,

COUNT 4

JOHN HENRY RAMIREZ, JR., defendant,
on or about JULY 19, 2004, in Nueces County, Texas, did then and there, while using a vehicle, intentionally flee from JAMES GRAY, a person JOHN HENRY RAMIREZ, JR., knew was a peace

officer who was Attempting to lawfully arrest or detain JOHN
HENRY RAMIREZ, JR.,

against the peace and dignity of the State.


FOREMAN OF THE GRAND JURY

FILED
OCT 10 5 15 PM '04
FBI - TAMU

EXHIBIT C

CAUSE NO. 04-CR-3453-C

THE STATE OF TEXAS

V.

JOHN HENRY RAMIREZ

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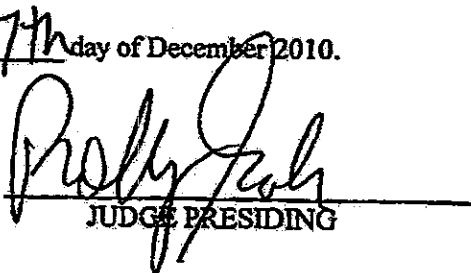
IN THE DISTRICT COURT OF

NUECES COUNTY, TEXAS

94TH JUDICIAL DISTRICT

ORDER

On this date came on to be heard the Applicant's Unopposed Motion for Extension of Time to File Application for Writ of Habeas Corpus. After considering this motion, this Court finds that the Applicant has established good cause justifying the requested extension. The application is currently due to be filed in this Court on January 17, 2011. A 90-day extension to file the application begins on this filing date of January 17, 2011. It is ORDERED that the Applicant is GRANTED a 90-day extension to file the application for writ of habeas corpus in this cause. The new, extended due date for filing the application in this Court, therefore, is now April 17, 2011.

SIGNED AND ENTERED on this 7th day of December 2010.
JUDGE PRESIDING

Received Time Dec. 7. 5:25PM

EXHIBIT D

AFFIDAVIT OF GUADALUPE ALEJANDRO

My name is Guadalupe Alejandro. My date of birth is [REDACTED]. My address is [REDACTED] and my phone number is [REDACTED]. I am John Henry Ramirez's Maternal Grandmother. John's mother, Priscilla Martinez is my daughter. Prior to John's trial his attorneys came to my house and asked if I would testify. I talked to them for a while but even then they didn't ask me much about John's background from when he was growing up. I did talk to a Dr. Martinez who worked for the defense and gave him a lot of this information.

During the trial I often felt intimidated by the Castro family and by the Assistant District Attorney that was handling the case. On one occasion one of the men from the Castro family was saying derogatory things to my family and then got up and started taking off his jacket like he was going to fight. We all had to quickly leave the courtroom just to get away from him.

During the sentencing phase of the trial the Assistant District Attorney was always turning around and giving a "thumbs up" or smiling and gesturing at the Castro family. I even heard him say to them "The grandmothers are going to testify and we're and we're going to have fun with them." I know that John heard this because over the weekend he told us that he didn't want us to testify as he "didn't want anyone to be mean to us". Even after this I was still planning to testify but I was never called though I was there and waiting.

Had I testified I could have provided the jury with all of the following information.

When my daughter Priscilla and John Henry Ramirez (Henry) started dating my daughter was 16 and Henry was 18. Even at that time I knew that Henry was smoking marijuana as I saw him doing that. Though my daughter tried to defend him I know what I saw. It wasn't long after they started dating that Priscilla got pregnant. Soon after that she moved in with Henry at his parent's house. Ashley was born while they were still living with Henry's mom but shortly before John was born they were living in their own apartment. By that time I know that Henry was drinking a lot, having his buddies over to play cards all night and gamble. When they

moved into their own place Henry's drinking just got worse and it contributed to the arguments that they were having.

From the time that Priscilla moved in with Henry's mom she would complain to me about how Henry's mother was pushy and overly involved in their lives. I know that this is true as several times I had a confrontation with her about how she was treating my daughter.

It was about the time that John was born that I moved with my family to Houston. When they first got together Priscilla rarely complained about her relationship with Henry but after I had moved she started to call me and complain that she felt alone and abandoned by him. She told me that he didn't do anything around the house and that he was always having his friends over to gamble and play cards. She even called me crying one time and told me that Henry had slapped her.

About a year after I moved to Houston Priscilla and John also moved to Houston and lived with us in my apartment for a while. There were a lot of people living in my apartment at that time including myself and my boyfriend, my son Andrew, my daughter Andrea, Priscilla and John. It was a pretty crowded place for all of us to live especially after Priscilla and John moved in. Eventually I helped Priscilla get a job at the telemarketing place where I worked and soon after that she moved into her own apartment in the same apartment building that I was living in.

John Henry, John's father also moved in with us for a few months. He was trying to find a job in Houston. He was staying up all night and drinking almost every night. Eventually he found a job but then I had to get him up every morning to go to work because he was always staying up late drinking. Eventually he went back to Corpus Christi after a few months.

After Priscilla and John moved into their own apartment John would come to my apartment regularly and he would often spend the night. By that time Priscilla was with Alex's father. Many times John would come to my apartment upset because he wasn't getting along with his step-dad. On several occasions he would also tell me that Priscilla was being mean to

him. She had a very short temper at that time and would often yell at all the kids. I would try to calm him down and tell him that his mother loved him and everything would be OK.

This situation went on for all the time that they lived in Houston. Priscilla had a couple of relationships with men who lived with her family while she was living in Houston and she had two more children, Alex and Guadalupe. I don't think that John got along very well with either of these men. I now that his sister's father used to always be telling him "Go wash your hands and mouth before you touch her or kiss on her." I don't think that either one of those men ever really cared about John.

John was a smart boy and did well in school even getting on the Honor Roll. He seemed to really enjoy school. When he was in the 5th grade they did some testing with him and they put him in Special Education and wanted him to see a doctor and start taking medication. They told me that he was having some behavior problems in class because he would get out of his seat and upset other students by clowning around. When I would get calls from the school about his behavior I would tell him that he had to behave as it was so hard for me to leave work and come to conferences at school about him. Though he made friends easily he spent most of his time playing with his cousins. He was especially close to my daughter Andrea who is John's same age, went to school with him and was often in his same classes. They have always been very close to each other.

That neighborhood that we lived in was very bad. There were gangs and violence and drugs and all kinds of bad things going on there. John avoided all of this by staying pretty close to home. He never got in any trouble. He did lots of chores for his mother and spent a lot of time looking after his brother Alex and his sister Guadalupe.

When I was getting ready to move back to Corpus Christi John came to me and said "Don't desert me, don't leave me behind." I often heard John say that he didn't think his mom loved him. I had to keep asking Priscilla to let me take him to Corpus with me but she finally let him go and she signed a paper so that I could get him into school in Corpus Christi. I think that

this was after my son Andrew had gotten shot and about the time that Priscilla had gotten cut by Alex's father, Joe Hernandez.

When I moved back to Corpus Christi John was very helpful and I depended on him. He was always doing lots of chores around the house; would go shopping for me and would even hang the wash for me. I am a Jehovah Witness and John would go to church with me on Sundays and go to bible study classes with me on Mondays and Tuesdays. He was always very considerate of me and never talked back to me or was disrespectful. About six months or so after I moved back to Corpus Priscilla also moved back. It wasn't long after that when John came to me and said that he needed to move back with his mom "because I think she's forgetting about me." Even after John moved back in with his mom he would still come over to my house and do things for me. He was always very considerate of me.

During this time John was about 11 years old. I can't remember how many times his dad or his dad's family would call to say that they were coming to pick John up but then never show up. John would just sit in the window waiting for them. Eventually someone would call saying that they had gotten busy or had to go do something else and that they were just going to drop off something for him. Many times after these incidents I had conversations with John while he was crying. During some of these conversations he was sad but eventually he would just get angry.

When John would come to my house he would also tell me how he could never please his mom. Since she was gone when the kids got out of school he would have to make dinner for Alex and his sister, clean house, wash dishes, dust, get the other kids to do their chores and do their homework. John would tell me that no matter what he did he could never please his mom. She would just be mad at him all the time and yell at he and Alex and Guadalupe. I think that both Alex and Guadalupe felt closer to John at that time than they did to their own mother as he was the one who looked after them and cared for them. When he turned 16 he got a job at the Boys and Girls Club and then he had to take care of his brother and sister there. I also know that he used to give his mom half of his paycheck to help with household expenses.

Even after we moved back to Corpus Christi John's dad never paid much attention to him. John would call his dad asking him to come and see him and then wait in the window or on the porch for him to show up for hours and he seldom did. John just got angrier and angrier about how his father didn't care for him.

We were all very proud of John when he graduated from high school and his whole family went to his graduation.

When John was in the Marines he had a girlfriend Laura. Laura was a dancer in clubs and was only concerned about herself. When John was home on leave she told him that "if you go back [to the Marines] then you don't love me." I think that the only thing John ever wanted in his life was to be loved and he just didn't know how to deal with this.


After he got discharged from the Marines he was different. I know he was drinking a lot and he had started using drugs and hanging out with a whole different group of people than he used to hang out with. I think he was mad at himself for dropping out of the Marines and I know that everyone else was disappointed in him.

When the incident happened my daughter called me to tell me to watch the TV. She then called me back to tell me that the police were on their way over to my house to search for John. After that the police came to my house many times to search for John. They must have thought that I knew where he was or that he was hiding at my house. When they would come to search they would do it in the early hours of the morning and disturb everybody in the building. The building manager eventually told me that I would have to move as the neighbors were complaining about all the disturbances.

I was never sure why John's attorneys never called me to testify. Our whole family was there in court and we were all ready to testify even though John had said that he didn't want us to. I'm not sure why they didn't call us. We weren't even in the courtroom when the jury came back with the verdict and sentenced John to death. While the jury was out we went down to the cafeteria and John's attorneys had told us that they would call us if the jury came back. I know

that they had our phone numbers but they never called us. It wasn't until we saw the jury walking out that we found out what had happened.

The facts stated in this affidavit are true and I have personal knowledge of them.


Guadalupe Alejandro

SIGNED under oath before me on this the 15th day of February 2010.



NOTARY PUBLIC
STATE OF TEXAS

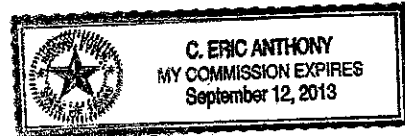


EXHIBIT E

AFFIDAVIT OF MARIA GUADALUPE HINOJOSA

My name is Maria Guadalupe Hinojosa. My date of birth is [REDACTED] My address is [REDACTED] and my phone number is [REDACTED]. I am John Henry Ramirez's paternal grandmother. His father, John Henry Ramirez, Sr. is my son. Prior to John's trial I talked to Dr. Troy Martinez and gave him most of this information. I only talked briefly to his attorney but when I did it didn't seem to me that he knew much about John. Though the attorney had told me that I was going to testify at John's trial I did not testify.

During the trial I often felt intimidated by the Castro family and by the Assistant District Attorney that was handling the case. On one occasion one of the men from the Castro family was saying derogatory things to my family and then got up and started taking off his jacket like he was going to fight. We started to yell and the attorney's wife, Mrs. Jones who was in the courtroom with us ran to the other room and soon Mr. Jones and the others came running in. There was no one there to help us when all this began.

During the sentencing phase of the trial the Assistant District Attorney was always turning around and giving a "thumbs up" or smiling and gesturing at the Castro family. I even heard him say to them that he was "going to have a good time when we took the stand." I know that John heard this because over the weekend he said to us that he didn't want us to testify as he "didn't want anyone to be mean to us".

Had I been called to testify I could have provided the jury with all of the following information.

My son John (we call him Henry) and Priscilla started dating when my son was a senior in high school. Priscilla was about 2 years younger than him. Within a very short period of time Priscilla got pregnant, dropped out of school and then moved into my house with my family. That summer after my son graduated from high school he got a full time job working as a custodian for the Department of Public Safety. At that time Henry was 18 and Priscilla was 16.

Priscilla was a pretty tough girl at that time that looked like she'd been raised on the streets. She had a big afro hairdo and always had a cigarette behind her ear. She was always dressed in a way that today kids call "punked out". I was working full time then and I would give her chores to do around the house while I was at work. But mostly she just layed around the house, eating sunflower seeds, slept till I would be almost getting home from work in the afternoon and seldom did her chores until I would specifically ask her to "go do it now". She seemed very immature for her age. Priscilla didn't seem to appreciate anything that anyone gave her or what people did for her. She acted like she was entitled to everything. I remember my family gave her a baby shower before Ashley was born and as she opened the gifts she would just throw them aside without even saying "thank you" or showing any appreciation at all. She liked to show off to her friends, but it seemed to me that she was still a little girl and she was just "playing house".

From the time that Ashley was born (October 1982) she and I were very close. I was always looking after her and taking care of her. When Henry and Priscilla moved out into their own apartment a couple of years later I continued to be very close to Ashley. By that time Priscilla was pregnant with John and she and Henry were already having some relationship problems. Henry was drinking more and more and they would have their friends over and they would stay up all night playing cards. On several occasions I'd go to get Ashley and she'd just be filthy. Her feet would be just black. She looked like she hadn't had a bath or been washed for a week. The first thing that I'd do with her when we got home was give her a bath and clean her up. I remember picking her up one time and Priscilla just handed Ashley to me through the car window. She didn't give me any clothes for Ashley because Priscilla knew I always had clothes for her.

There was another time that Priscilla left Ashley and John with a cousin. The cousin was supposed to look after them for 3 days but 5 days later Priscilla had still not come to get them. I ran into the cousin at the store and I asked if I could come and get them. Again this time Ashley was just filthy and she was walking funny. When I got her home I found that there was a huge boil on the inside of her thigh. I was just shocked that she could have a problem like this and no one seemed to have noticed or cared at all. When Priscilla finally contacted me and I asked her about it she just wanted to take Ashley home. She acted like she was embarrassed that she'd been caught not paying attention to Ashley. I had to beg her so that I could keep Ashley and treat the boil.

When Ashley was about three years old and John was about a year and a half old Henry and Priscilla split up. I think that this break-up was particularly hard on John because prior to the break-up Henry had been very close to John, provided lots of his care and was very proud of him. It was shortly after that when Priscilla took the children and moved to Houston where her family had already moved. Within a couple of months of moving there I got a call from Priscilla telling me that Ashley was in the hospital. I immediately rushed to Houston. Priscilla told me that Ashley had not been doing very well, had been sickly and crying since they moved to Houston. I spent that night in the hospital with Ashley and the next day she was a lot better. I know that I had been crying a lot since she moved to Houston and I think that part of the problem that caused the asthma attack that Ashley was having was her missing me.

Priscilla and I argued about John coming with me as well but she wouldn't let him go. Priscilla told me "You can have Ashley but John Henry belongs to me. You can have Ashley but you'll never have him." Though I felt sorry for John there was just nothing that I could do.

I know that prior to the separation of Henry and Priscilla that I had been the primary person in Ashley's life and Henry had been the primary person in John's life. Based on how traumatic it was for Ashley to be separated from me I can only guess how traumatic it was for John to be separated from his dad. What made this worse is that after the separation Henry started drinking even more and made very few efforts to see or spend time with John.

It wasn't too long after Ashley was living with me that she was playing at the coffee table one day. She said "Grandma, do you know how to make cocaine?" She then took a card

and acted out how you chop it up, then make a line, then roll up a piece of paper and sniff it up your nose. I asked her if she learned that from TV and she said "No, my mom showed me how to make it." I know that by the time that Priscilla and Henry broke up Priscilla was drinking and smoking marijuana because I could smell that on her but this was the first that I knew that she was using other drugs.

I can't say that during this time my son Henry was a very good father to John. I don't think he ever went to see him while they were living in Houston. Even when Priscilla would bring John to Corpus Christi and he would be at my house visiting Henry wouldn't spend much time with him. After they moved back to Corpus Christi Henry did have more contact with John but by that time I think John was always pretty mad at his dad for not having seen him before. It also seemed like Priscilla was always angry about how much better Ashley's life was that hers and John's and I know she spread this anger to John. Though we gave John as much as we could Priscilla would always have some nasty comment about how we were never doing enough for John.

I know that during the 9 or 10 years that John lived in Houston he was living in a pretty rough situation. While they were living in Houston I would hear about how Priscilla would slap or hit John and I would call Priscilla's mom to ask about this but she would just tell me that "everything's OK". She would just minimize any problems that I heard about.

Priscilla had some affairs while they were living in Houston and she had two more children, Alex (Hernandez) and Guadalupe (Alvarez). Since John is six years older than Alex and ten years older than his sister he had a lot of responsibility for raising and looking after them while his mother was working or going out. He was living in a neighborhood where gangs and violence and crime were common. His uncle Andrew Alejandro, who is about 5 years older than John, was even shot while John was living there in some kind of gang conflict. It was just before Priscilla moved back to Corpus Christi that her last ex-husband, Joe Alvarez, attacked her with a knife and cut her up. I know that John was there and witnesses this event as later he talked about how he had been the one to call 911.

After they moved back to Corpus Christi in about 1995 I heard that Priscilla had done something to John and Child Protective Services had gotten involved and they had taken him away from her and placed him with Priscilla's mom, Guadalupe Alejandro. Though I thought that this was a better situation for John as there was less chaos, violence and drugs there, I soon found out that this place had its own problems for John. He seemed to be treated like a servant there. He was almost a teenager and he would be hanging wash and doing other "women's work" that I was afraid that he would get teased about as they were still living in the projects in a pretty rough neighborhood. Every week he would also have to go to HEB to do the shopping alone and then push the grocery basket all the way home with the groceries. They just treated him like he was Cinderella.

I think that during all this time John did the best he could for himself. He was always a smart boy. He never got held back and he eventually graduated from high school. When John was 13 or 14 our family had cake and cookies and punch and presents for him and he was very

excited. After the party he took all the plates, cups, forks, napkins and the rest of the cake home because it was such a special event that he wanted to have the memories of the party. When he turned 16 he got a job at the Boys & Girls Club. For the rest of the time that he was in high school until just before he went to the Marines he worked there. I know that he also gave his mom half of his paycheck every time he got paid to help out with family bills.

We were all very proud of John when he graduated from high school. We all went out to eat at a restaurant with him to celebrate. It was a very special occasion. By that time he had already signed up to go to the Marines and we were very proud of him for doing that too.

When John graduated from boot camp in the Marines both his mom and dad went to California for his graduation. They were very proud of him and John was very proud of himself. It was after that something happened to him. He got involved with a girl, Laura, who was a stripper and was encouraging him to leave the Marines as she wanted him to come home and take care of her. I tried to encourage him to go back but I think it was hard for him to resist the love and attention that Laura gave him that he had wanted all his life. Something happened to John at that time and he started to go down hill. He eventually went AWOL from the Marines and when he came home after being discharged he was very touchy and jumpy. If you came up on him unexpectedly he would jump and get angry. It seemed that he got angry very easily after he finally came home from the Marines. He hadn't been like that before he went. Even when he came home from boot camp he was happy, relaxed and proud of himself.

I really don't know how John survived the situation that he grew up in. The environment that he grew up in was full of violence, neglect, crime, drugs and chaos. Though I'm sure that people cared about him he was also neglected, used and abused. I wish that I could have taken him with me when I got Ashley. John always only wanted a little love and attention but there was no one that gave him that on any kind of regular basis. Even his dad didn't pay that much attention to him. Every time he would visit it was obvious that he wished he could have been brought up with her. He called her "white girl" and made lots of comments about how she was so much better than him. I think that his life would have been so much different if he would have been in a better situation, but that was not to be. I think about the potential that John had and how well his sister was able to become successful and it just makes me sad.

The facts stated in this affidavit are true and I have personal knowledge of them.

[REDACTED]
Maria Guadalupe Hinojosa

SIGNED under oath before me on this the 11 day of February 2012.


NOTARY PUBLIC

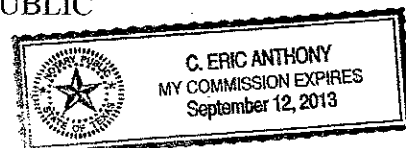


EXHIBIT F

AFFIDAVIT OF JOHN H. RAMIREZ Sr.

My name is John Henry Ramirez, Sr. My date of birth is [REDACTED] My address is [REDACTED] and my phone number is [REDACTED] I am John Henry Ramirez's father. Prior to John's trial I spent about an hour talking with the defense expert, Troy Martinez, Psy.D. about my son's personal history. I only talked to my son's attorney (Grant Jones) for about 5- 10 minutes in the hallway outside the courtroom a day before I testified. From the questions that he asked me I don't believe that Mr. Martinez ever talked to the attorney before I testified. He surely didn't inform me of what I was to testify about, a lot of things which could have been important for the jury to know about my son.

Had I been asked I could have testified to all of the following information.

John Henry was the second child born to Priscilla and I. We were both young at the time that we were married. I was 18 and Priscilla was 16. Our oldest child is Ashley [REDACTED] [REDACTED] She is about a year and a half older than John. When Priscilla got pregnant with Ashley, she and I lived with my mother and we were still living there when she got pregnant with John. When she got pregnant with Ashley Priscilla dropped out of school, but she hadn't been getting very good grades anyway. From that time on she was a stay at home mom. At that time I was working full time for the Department of Public Safety as a Custodian as well as working two other part time jobs in fast food restaurants.

It was while Priscilla was pregnant with John that we moved from my mother's to our own apartment. John was born in Corpus Christi at Memorial Hospital. At the time he was born he seemed to be a fine and healthy baby. There weren't any problems with his development that I noticed until he started to talk. John has always had a bit of a lisp and slurs his words a little when he talks. When John was between one and two years old he started having stomach problems. We took him to a Dr. and the Dr. said that John had a twisted intestine and needed surgery. We had to take him to Ben Taub Hospital in Houston for the surgery. He was there for about 10 days. I've always thought that having surgery and being in the hospital for that long when you're that young is pretty traumatic for a little kid.

The apartment that we lived in at that time was in low income housing. We had lots of family around including my mother, my grandmother, Priscilla's mother and her sisters. There was always family dropping in. My friends were usually also over at the apartment and we would be playing cards or watching football. Though finances were tight and we sometimes had problems making our bills on time things seemed to be going pretty good. By the time that John was born I started drinking nearly every day and wound up getting a couple of DWI's. My drinking also caused arguments between myself and Priscilla.

About two or three years after John was born Priscilla and I split up. We tried to get back together a few times but that never worked. By the time that I left, Priscilla was hanging out with her sisters and was also drinking and smoking marijuana. When the relationship was over for good Priscilla's mother was already living in Houston and she soon moved to Houston as well, taking our two children with her. My mother had always been very close to Ashley and she

would cry a lot because of how much she missed her. It wasn't too long after Priscilla moved to Houston that Priscilla let my mother, Guadalupe Hinojosa, have Ashley to raise. Since that time Ashley has always been with my mother. Though Ashley continued to have contact with her mom, Priscilla, she always really saw my mom as her mother.

When Priscilla moved to Houston my contacts with my son pretty much stopped. I was young, had been married right out of High School, was working and drinking regularly with my friends. For the next seven or eight years, until about 1995 when Priscilla moved back to Corpus Christi from Houston, I don't think I ever saw John unless it was briefly while he was visiting. At times my mother would try to encourage me to have contact with my son but this just never seemed to work out. During the time that they lived in Houston I really had no idea what John's life was like. I didn't know that he was being raised in a rough neighborhood and that while he was living in Houston his uncle Alex was shot and his mother was assaulted with a knife by one of her boyfriends.

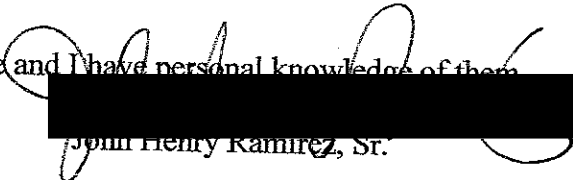
By the time that John moved back to Corpus Christi with Priscilla, I kind of felt he had some anger and resentments about how I was never there. He also had a lot of resentment about how much better Ashley's life was than his own. He used to call Ashley "white girl" and sarcastically tease her about being so much better than him. Because the visits I did have with John were hard I really didn't make much effort to see him even after he was back in Corpus Christi. By that time he was getting to be a teenager and had his own things to do.

Though I did attend John's graduation from High School and went to California for his graduation from Marine boot camp I still didn't have much contact with him outside of these events. I was very proud of him though as I felt that he was doing well and was making choices that would make a good life for him.

I was so disappointed in John when I found out that he had gone AWOL from the Marines. I don't think I talked to him for a long time after that. I know that eventually he went back and was finally discharged. I think that his girlfriend at the time, Laura Villanueva, had a lot to do with his going AWOL. I felt deep down he was very much in love with her.

It was shortly after John returned from being discharged from the Marines that he got shot. I went to see him at the hospital here in Corpus Christi. His whole attitude seemed to have changed from the time that he had graduated from High School and then from the Marines. There were a bunch of what I considered to be undesirable friends his age at the hospital with him and he seemed to be showing off the bullet wounds to them. It just seemed to me that he had given up on trying making anything of himself. It wasn't long after this that John was being sought by the police for this murder. I just couldn't believe what was happening. For the next three and a half years, until the time of John's arrest I didn't have any contact with him.

The facts stated in this affidavit are true and I have personal knowledge of them.


John Henry Ramirez, Sr.

SIGNED under oath before me on this the 11 day of February 2012.



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STATE OF TEXAS

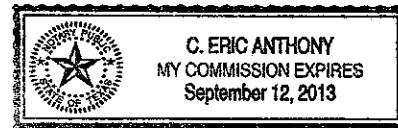


EXHIBIT G

AFFIDAVIT OF PRISCILLA MARTINEZ

My name is Priscilla Martinez. My date of birth is [REDACTED] My address is [REDACTED] [REDACTED] and my phone number is [REDACTED]. I am John Henry Ramirez's mother. Prior to John's trial I talked to his attorney briefly one time. At the time of John's trial there was a warrant out for my arrest on a possession charge. On the day that the attorneys asked me to come to court I was arrested. Had I been allowed to testify I could have provided the jury with all of the following information.

John was the second child born to my husband, John Henry Ramirez, Sr. (Henry) and I. His older sister, Ashley, was a little over a year and a half old when he was born. At the time that John was born I had just turned 18 years old and his dad had just turned 20 years old. We had been living with Henry's mother until just shortly before John was born and then moved into an apartment of our own for the first time. John was born a healthy baby weighing 7 pounds, 11 ounces. We came home from the hospital within a few days. At that time I was a full time home maker and Henry was working. There was a lot of conflict in the relationship at that time and Henry had a drinking problem. Henry was real close with John when he was little.

There didn't seem to be any problems with John's growth and development until he was about two years old. At that time he developed some kind of abdominal problem. The doctors told me he had a "twisted intestine" and that he needed surgery immediately as this was a life threatening problem. He had the surgery and was in the hospital for about a week and a half. His recovery from this surgery seemed to go along OK but he was in the hospital for a long time for someone who was so little. He still has a large scar on his abdomen from this surgery.

About a year or so after this surgery Henry and I split up. We had been fighting and arguing a lot and Henry was drinking a lot. It was not unusual for Henry to have his buddies over to drink. The things that he did made it hard for the family as he only seemed to care about himself and having fun with his buddies. Though we tried to get back together several times it just never worked out.

From the time that we split up Henry never showed any interest in the children and never gave me any child support. Because they had been so close when John was little I think that his dad never paying any attention to him after we split up affected him a lot. Henry's mom, Guadalupe Hinojosa, was very close to Ashley and spent a lot of time with her. If Henry came by to get the children he would often just pick up Ashley and take her to his mother's house and not even take John with them. I was constantly having to explaining to John why his dad didn't care to see him or do things with him. It would be heart breaking when Henry would come and pick up Ashley to take her to his mother's and just leave John there crying. There were a lot of times over the years when Henry would call and say that he was "on his way" to get John and then just never show up. John would sit at the window for hours waiting for him. When his dad didn't show eventually he would wonder off but he would just look so beat down and disappointed.

It wasn't too long after Henry and I separated for good that I moved to Houston to be with my mother and other family members who were already living there. We moved in with my mother for a while before I could get a job and get my own apartment. For the ten months that we lived there the conditions were very crowded. Living in that one small apartment were the 8 of us; myself, Ashley, John, my mother and her husband, my brother Andrew, my sisters Vicki and Andrea. Just that many people living in that small apartment meant we were always tripping over each other. There was really never a moment of peace and quiet there as someone was always doing something. That housing was part of the "projects" and they were surrounded by drugs, crime, violence and gangs. It was a very rough neighborhood. It seemed like the police were always there and someone in the projects was always getting arrested.

During that time Ashley was sick a lot with her asthma. She eventually had to be hospitalized. With all of this going on I was very stressed out, and I called Henry's mom. Though I was very ambivalent about it I let her take Ashley back to Corpus Christi with her to raise. At that time I had no intentions of making this a permanent arrangement but that's what it eventually turned out to be. She only wanted to take Ashley with her; she wasn't interested in taking John.

It wasn't until about a year after we moved in with my mother that I finally got an apartment for myself and John. Because we had more room my brother and sister, Alex and Nene also moved in with us. It was at about this same time that I started dating Joe Hernandez who eventually moved in with us and is the father of John's younger brother Alex. By that time I was working nights and Joe was working days so there was usually always an adult at the apartment with the kids; and my mother lived in the same complex. So though our living situation was better I don't think that the stress was any less. By this time I was drinking and smoking marijuana and sometimes I had a really short fuse. There were times when I could easily get upset, where any little thing could set me off and I would yell at everyone and sometimes slap whoever seemed at the time to have it coming.

John was a very active and curious youngster. He always seemed to be into something as well as being hard headed and slow to do things that I asked him to do. Though I was living with Joe by that time I was the only one to discipline the children. If they did something when Joe was around it would just have to wait for me to get home to take care of it. With my short fuse and his behavior it was not uncommon for me to yell at him or spank or slap him, especially as he got older. One day at school when they were checking all the kids for head lice they saw a cut on John's head that I caused by hitting him with a vacuum cleaner tube. CPS got involved and came to my house and was going to take John to live in a foster home until my mother and I convinced them to let John go live with her.

I should also say that during this time Joe had his own problems. Joe drank on a regular basis but he never got loud or violent. He never disciplined my kids or hit them. Eventually, when Alex was about three to four years old we separated.

After this I had a relationship with Ascension Alvarez. This relationship lasted less than a year after our daughter, Guadalupe Alvarez, was born. Ascension was always hovering over his daughter. Whenever John would attempt to pick her up or give her a hug or a kiss he would tell him "Go wash your hands before you touch her." "Go wash your mouth before you kiss her." "Put her back down, you're not holding her right." It seemed that Ascension and I just argued all the time during this relationship and he soon left.

During this time we would also occasionally go to Corpus Christi for holidays and see Ashley. Her life seemed to be so much better than ours. John used to call her "white girl" and tease her a little about "being too good for us". I know that John was very jealous of her. She always seemed to get what she wanted and John got very little. I can remember being at Christmas at Ashley's grandmother's house and there would be a whole bunch of toys, clothes and gifts for Ashley and John only got a package of socks. I'm sure he was very jealous of her. And this only made his frustration with his dad not paying any attention to him that much worse as she seemed to be getting everything that she wanted and John got little or nothing.

About a month after Joe and I had separated, following a party that I had attended Joe apparently was hiding outside my apartment and as I went to get the door unlocked and get inside he attacked me. He had a knife that he was attempting to cut me with. We had a struggle right there in the doorway and right inside watching was John who was about 9 years old at the time and his brother Alex who was about 3. I got cut eight times and had to go to the hospital to get stitched up. I know that they were terrified to see me being cut up right there in front of them by someone who had been kind of like a dad to them. The police came and Joe got arrested for assaulting me.

It was either just before this or just after this that John's uncle, Andrew who is about 5 years older than him got shot several times in a gang related incident. When I look back on all this now I'm shocked at how chaotic and violent those eight or nine years that we spent in Houston were. But at the time I guess I was just dealing with it day to day, doing the best I could. But it was an awful environment to have to raise children in. The violence and drugs and crime that was rampant in that neighborhood even crept into our apartment as it was during that time that I started using some cocaine. Though it felt good at the time it only made me more moody and made all of our problems worse.

Actually I'm surprised at how well John did during all that time. He went to school and got good grades, even making the Honor Roll. He looked after his younger brother and sister. He tried as best he could to do chores around the house. He never really had much but what he

did have he took care of and kept all of his things neat and tidy. He was a bit chunky as a child but he would make sure that he was dressed as neat as he could be and even while he was still in elementary school he would iron his clothes so that he looked sharp. Though I'd get upset with him at times he was a good kid who would do anything to please me. After he moved in with his grandmother he kept that same attitude; doing anything he could to please her.

About 10 months before I moved back to Corpus Christi in 1995 my mother and John had already moved back to Corpus. When I got there I was upset with what was going on. John and my mother were living with my sisters Melissa Villarreal and Andrea and my brother Andrew. Andrew was treating John like he was just a slave. He did all the chores around the house while they just layed around. When my mom moved into her own place with John it didn't get any better for him. When the food stamp money came on Wednesdays my mom would send John down to HEB with a grocery list and he would have to walk home carrying the groceries by himself as my mom couldn't do it and my sister and her husband and my brother wouldn't do it. As soon as I could, I got a place of my own and had John leave them and move in with me and his brother Alex and his sister Guadalupe.

There was a lady that came by and bought him a bicycle for Christmas with baskets on it when he was about 12 or 13 years old. She said that she would regularly see John coming home from HEB hauling groceries that he could barely carry. She said she had seen him do this many times and had even offered him a ride but he said he couldn't take it because he wasn't supposed to get in cars with people he didn't know. She was just someone out of the blue who saw what kind of boy John was. She saw the good in him and wanted to help him.

At about this same time John was in middle school and he was placed in Special Education because he was hyper. He also saw a doctor and they started to give him Ritalin. He had some problems in school but there was only one time that I remember him ever getting suspended for fighting. Other than that he sometimes got sent to detention for misbehaving but that was all. John worked very hard to get good grades at school. He never got in any big trouble in school or in the community. While a lot of the other kids in the community were

getting arrested and going to juvenile detention John just worked on trying to keep his grades up so he could graduate.

When John turned 16 he got a job at the Boys and Girls Club. He worked there the rest of the time that he was in high school and until just before he left for the Marines. He was an Activities Supervisor there. He would arrange and supervise activities for the kids. My other children, Alex and Guadalupe used to go there everyday after school as I was working and participate in the activities that John was arranging. John helped me and the family out by giving me half of his paycheck the whole time that he was working at the Boys and Girls Club. Though the money wasn't a lot I think it shows how much John cared about his family and how responsible he felt to help everyone out.

Again during this whole time after we moved back to Corpus Christi John's father never made any real attempt to see John. Sometimes he would call and say that he was coming to get John but he still often didn't show up. But by this time John didn't seem to care. He had been disappointed by his father so many times that he just said "It doesn't matter; he never did anything for me anyway. I don't have a father." He did get a lot closer to Ashley after we moved back to Corpus as she would come visit us occasionally. The family has a tradition of getting together to play Bingo and Ashley would sometimes show up for this.

We were all so proud of John when he graduated from high school. He had worked hard to do that and had finally achieved his goal. By the time he graduated he had already signed up for the Marines. It was just a little while before he left for boot camp that I broke my leg and John had to take care of me and his brother and sister. Even when he was getting ready to go he would talk to me about "would I be OK if he went?" He was always concerned about everyone else.

When John graduated from boot camp his father and I met in California at the graduation ceremony. I think that besides coming to his high school graduation that was the only time his dad saw John. I was so proud of John. He got a few days off after that and came home for a few

days and it was great to see him be so happy and proud of himself. He used that time to encourage everyone else to make something of themselves.

The next time that John came home he had totally changed. He no longer seemed happy. He would jump at any little surprise. He had this girlfriend Laura that I don't think that anyone approved of as we all knew that she was trouble. She wanted John to drop out of the Marines and come home and take care of her. She just wanted what was good for her with no concern at all for what was good for John. I think that this was John's first serious relationship and he didn't know how to handle it. When there was a mix-up about his flight back instead of going the next day he hung around for the next month with her. When he did go back he would just write home about how much he missed being home and about how he was always getting in trouble. Eventually he did some time in the brig and was then discharged and sent home. As happy as we had all been about him graduating from high school and going to the Marines, we were just that disappointed. The saddest thing about this was that though he had all this trouble and eventually came home his relationship with Laura didn't even last through all that trouble.

It wasn't too long after he came home that John got shot. He had grown up and been in the same classes with his Aunt Andrea who is his same age. She was having some kind of problems with a friend of hers and took John over to the friend's house. That's where he got shot. I really still don't know what that was all about.

It was only a few months later, while he was still healing up from being shot that John got into this trouble. When the police came to search my house looking for him they wouldn't tell me what had happened. I had to find out from the TV news that John was accused of murdering someone. From that time on until just before he got arrested about three and a half years later I never heard from John. I didn't know where he was or even if he was alive. But my life was a nightmare during that time. I think that the police always thought that I was in contact with him and they would come and search my house on what seemed like a regular basis.

It was just a few days before John got arrested that he showed up one day with his new wife and baby. That was the first time that I had seen him or known where he was.

I want to say that John tried hard to do good. He grew up in a tough neighborhood where there were always lots of fights, violence, drugs, gangs, kids getting arrested and dropping out of school. John worked very hard to try and make something out of himself. I don't know what went wrong with him or what happened to him in the Marines between the first time that he came home and the second time he came home but he was a changed person at that time. While he was growing up he always did the best he could for me, my mother and his brother, sisters, aunts and uncles and cousins. I don't think that he ever forgot my birthday or those of his grandmother or brother and sisters.

The facts stated in this affidavit are true and I have personal knowledge of them.


Priscilla Martinez

SIGNED under oath before me on this the 18th day of February 2012.


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STATE OF TEXAS

